

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LANDLORD AND TENANT ACT; EXCLUDING
5 TENANTS ENGAGED IN SEASONAL EMPLOYMENT FROM THE REQUIREMENTS OF THE LANDLORD
6 AND TENANT ACT; AND AMENDING SECTIONS 70-24-103 AND 70-24-104, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9
10 **Section 1.** Section 70-24-103, MCA, is amended to read:

11 **"70-24-103. General definitions.** Subject to additional definitions contained in subsequent sections
12 and unless the context otherwise requires, in this chapter the following definitions apply:

13 (1) "Abandon" means to give up possession of the premises unless the landlord does not accept
14 abandonment or surrender as provided in 70-24-426 or unless the rental agreement has been terminated as
15 provided by law.

16 (2) "Action" includes recoupment, counterclaim, setoff suit in equity, and any other proceeding in
17 which rights are determined, including an action for possession.

18 (3) "Actual and reasonable cost" means the actual amount of expenses and labor incurred or
19 expended and the reasonable amount of expenses and labor estimated to be incurred or expended.

20 (4) "Case of emergency" means an extraordinary occurrence beyond the tenant's control requiring
21 immediate action to protect the premises or the tenant. A case of emergency may include the interruption of
22 essential services, including heat, electricity, gas, running water, hot water, and sewer and septic system
23 service, or life-threatening events in which the tenant or landlord has reasonable apprehension of immediate
24 danger to the tenant or others.

25 (5) "Court" means the appropriate district court, small claims court, justice's court, or city court.

26 (6) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence,
27 or sleeping place by a person who maintains a household or by two or more persons who maintain a common
28 household. Dwelling unit, in the case of a person who rents space in a mobile home park and rents the mobile

1 home, means the mobile home itself.

2 (7) "Good faith" means honesty in fact in the conduct of the transaction concerned.

3 (8) "Guest" means a person staying with a tenant for a temporary period of time as defined in the
4 rental agreement or, if not defined in the rental agreement, for a period of time no more than 7 days unless the
5 tenant has received the landlord's written consent to a longer period of time.

6 (9) "Landlord" means:

7 (a) the owner of the dwelling unit or the building of which it is a part;

8 (b) a person who has written authorization from the owner to act as the owner's agent or assignee
9 for purposes related to the premises or the rental agreement;

10 (c) a person who has written authorization from the owner to act as a manager of the premises for
11 the purposes of the tenancy or the rental agreement; or

12 (d) a lessor who has written authorization from the owner of the premises to sublease the
13 premises.

14 (10) "Organization" includes a corporation, government, governmental subdivision or agency,
15 business trust, estate, trust, or partnership or association, two or more persons having a joint or common
16 interest, and any other legal or commercial entity.

17 (11) "Owner" means one or more persons, jointly or severally, in whom is vested all or part of:

18 (a) the legal title to property; or

19 (b) the beneficial ownership and a right to present use and enjoyment of the premises, including a
20 mortgagee in possession.

21 (12) "Person" includes an individual or organization.

22 (13) "Premises" means a dwelling unit and the structure of which it is a part, the facilities and
23 appurtenances in the structure, and the grounds, areas, and facilities held out for the use of tenants generally
24 or promised for the use of a tenant.

25 (14) "Rent" means all payments to be made to the landlord, including rent, late fees, or other
26 charges as agreed on in the rental agreement, except money paid as a security deposit.

27 (15) "Rental agreement" means all agreements, written or oral, and valid rules adopted under 70-
28 24-311 embodying the terms and conditions concerning the use and occupancy of a dwelling unit and

1 premises.

2 (16) "Roomer" means a person occupying a dwelling unit that does not include a toilet, a bathtub or
3 a shower, a refrigerator, a stove, or a kitchen sink, all of which are provided by the landlord and one or more of
4 which are used in common by occupants in the structure.

5 (17) "Seasonal employment" means employment:

6 (a) for a designated season of less than 6 consecutive months; or

7 (b) that includes periods of work for multiple designated seasons that are interrupted by breaks of
8 at least 1 month.

9 ~~(17)~~(18) "Single-family residence" means a structure maintained and used as a single dwelling unit. A
10 dwelling unit that shares one or more walls with another dwelling unit is a single-family residence if it has direct
11 access to a street or thoroughfare and does not share heating facilities, hot water equipment, or any other
12 essential facility or service with another dwelling unit.

13 ~~(18)~~(19) "Tenant" means:

14 (a) a person entitled under a rental agreement to occupy a dwelling unit to the exclusion of others;
15 or

16 (b) a person who, with the written approval of the landlord and pursuant to the rental agreement,
17 has a sublease agreement with the person who is entitled to occupy the dwelling unit under the rental
18 agreement.

19 ~~(19)~~(20) "Unauthorized person or trespasser" means a person who:

20 (a) enters or remains after being asked to leave by the landlord and does not receive written
21 permission by the landlord to remain on the premises;

22 (b) is in violation of 45-6-201;

23 (c) is in violation of 45-6-203; or

24 (d) is in violation of 70-27-102."

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26 **Section 2.** Section 70-24-104, MCA, is amended to read:

27 **"70-24-104. Exclusions from application of chapter.** Unless created to avoid the application of this
28 chapter, the following arrangements are not governed by this chapter:

